IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36154 of 2008
SUBODH YADAV
Versus
THE STATE OF BIHAR

06/ 02.04.2009 Counsel for the petitioner has filed affidavit in the light of the report of the trial court dated 13.3.2009 Flag 'X' and submits that petitioner is not an accused in Amarpur P.S. Case No. 07 of 2006. Although, it is conceded that on account of the inadvertent on the part of the counsel for the petitioner information about G.R. Case No. 628 of 1997 in which petitioner is accused could not be furnished to this Court when this Court has passed the order dated 23.12.2008, but that was the mistake on the part of the counsel.

Without going into the correctness or otherwise of such submission, it is directed that if the petitioner is not an accused in Amarpur P.S. Case No. 07 of 2006 as has been submitted by his counsel today, then he be released in terms of the order dated 23.12.2008 otherwise not.

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DKS/ **(V.N. Sinha, J.)**